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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,399	04/19/2004	Masaaki Takabe	09812.0401-00000	3120

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

MAIL DATE	DELIVERY MODE
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08/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/827,399

Applicant(s)

TAKABE ET AL.

Examiner

Michael Roswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20070507/20070212
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (US Patent # 7,036,091) in view of Robbins (US Patent # 6,819,344 B2).

As to independent claims 1 and 5, Nguyen teaches:

- displaying a first ring on a picture screen and a plurality of icons at predetermined intervals on the first ring (i.e. ring as menu 420, with icons as options 424, see col. 7 lines 64-67 on TV 104);
- selecting an icon corresponding to an operation (see col. 8 lines 29-33),
 - rotating each displayed icon on the first ring while maintaining the order of arrangement (i.e. see col. 8 lines 13-23); and
- performing the operation corresponding to the selected icon (see col. 8 lines 29-33).

Nguyen teaches a display method according to claim 1 (see claim 1 above), but does not teach wherein said icon displayed at a specific position of said ring is displayed larger than the other icons positioned on the ring. Robbins teaches wherein said icon displayed at a specific position of said ring is displayed larger than the other icons positioned on the ring (i.e. enlarging by not occluding a selected segment through warping controls, by way of graphical manipulations such as the "fish-eye" technique, at col. 5, lines 35-38).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teaching of Nguyen and Robbins before him at the time the invention was made, to modify the displaying of selected icons as taught by Nguyen to include displaying a larger icon that is

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selected as taught by Robbins with the motivation being to "examine details associated with the selected image," (see lines 15-20, 'Robbins).

As to claims 3 and 7, Robbins teaches:

- displaying a second ring of smaller diameter than the first ring surrounding a displayed position of the selected icon, when it is determined that a plurality of secondary operations corresponding to the operation exists (i.e. wheel or ring 352);
- enlarging the second ring when the icon surrounded by the displayed ring is selected (i.e. see Fig. 12); and
- displaying icons corresponding to respective input items at predetermined intervals on the second ring (i.e. items 358 around ring 352).

As to claims 4 and 8, Nguyen teaches a display method according to claim 1, wherein one of the icons displayed on the first ring corresponds to the operation of returning a display including a previous menu layer (i.e. fade in or out as needed, see col. 9 lines 56-61).

Regarding claims 9 and 10, Nguyen can be shown to teach highlighting the first ring when performing selections on the first ring, taught by the arrows of Fig. 7-9.

Response to Arguments

Applicant's arguments filed 17 May 2007 have been fully considered but they are not persuasive.

Applicant argues on pages 7 and 8 of the remarks that Nguyen and Robbins fail to teach the limitation of "automatically displaying the selected icon larger than the other icons positioned on the first ring". The examiner respectfully disagrees, and refers to col. 5, lines 35-38 of Robbins, which states, "...the warping control **42** my stretch a desired segment of the image **36** using a well-known fish-eye technique, *such that the selected segment is enlarged* and not occluded" (emphasis added). Thus, it can be seen that Robbins does indeed teach

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"automatically displaying the selected icon larger than the other icons positioned on the first ring". Therefore, the examiner maintains the rejection of the claims over Nguyen and Robbins.

Conclusion

Please note that the examiner of record has changed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

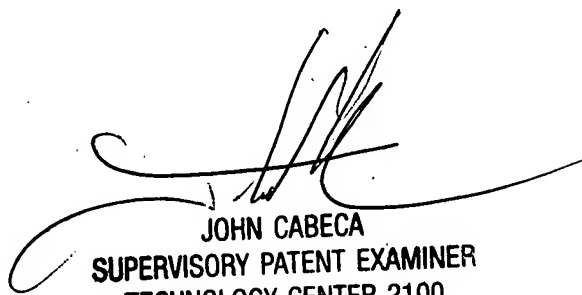
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Roswell
8/1/07



JOHN CABECA
SUPERVISORY PATENT EXAMINER
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